AMENDMENTS TO THE CLAIMS

The following listing of claims will replace all prior versions and listings of claims in the application.

Listing of Claims

1. (Currently Amended) A communication system for delivering ~~audio and/or video~~ messages to a viewer, comprising:

a transmitter for transmitting a broadcast programming data stream separate from ~~and audio and/or video~~ a message data stream ~~messages to a viewer as separate data streams~~; and

at least one communication apparatus having receiver circuitry for receiving said ~~audio and/or video messages~~ message data stream ~~separate from receiving the data stream containing~~ and said broadcast programming stream, ~~the viewer having at least one communication apparatus,~~ said at least one communication apparatus further including:

a processor operatively connected to a mass storage device for processing and storing said ~~received audio and/or video~~ messages from the message data stream,

a sensor generating a viewer presence message indicative of the viewer presence near the communication apparatus;

wherein said processor accesses said ~~stored audio and/or video~~ messages for display in place of the broadcast programming data stream being currently viewed by the viewer in response to the viewer presence message.

2. (Currently Amended) The communication system of claim 1, wherein said processor accesses ~~displays~~ said stored ~~audio and/or video~~ messages based upon detecting a trigger.

3. (Currently Amended) The communication system of claim 2, wherein said trigger comprises instructions received together with the ~~audio and/or video~~ messages or from instructions embedded in the broadcast content or both.

4. (Currently Amended) The communication system of claim 1, wherein said transmitter further includes:

an uplink facility for digitally encoding and multiplexing said ~~audio and/or video~~ messages into a packetized data stream, and for encoding and modulating said data packet into a suitable frequency band for reception; and

a satellite for receiving said data packet via an airlink from the uplink facility, and for transmitting the data packet to said at least one communication apparatus.

5. (Currently Amended) The communication system of claim 1, wherein said ~~audio and/or video~~ messages are advertisements or commercials provided by content providers and intended for targeted subscribers.

6. (Currently Amended) The communication system of claim 5, wherein ~~content providers are assured that an advertisement or commercial reaches the viewer as the content provider knows when~~ the advertisement or commercial ~~will be provided~~ is displayed on a display device operatively connected to the communication apparatus~~, and the~~ for an amount or length of time the advertisement or commercial is to be provided.

7. (Original) The communication system of claim 1, wherein the communication apparatus is a receiver or a set top box.

8. (Currently Amended) A method for providing ~~audio and/or video~~ messages to a viewer within a communication system, comprising:

transmitting a broadcast programming data stream and ~~audio and/or video messages~~ a message data stream having messages therein ~~to the viewer as separate data streams from one location~~; ~~and~~

generating a viewer presence message indicative of a viewer presence near the communication apparatus~~,~~;

receiving said ~~audio and/or video messages~~ message data stream ~~separate from receiving the~~ and the broadcast programming data stream ~~containing said broadcast programming~~ at the communication apparatus ~~subscribers location, said received audio and/or video~~ ; and

~~messages further subject to processing~~ displaying said messages ~~for display~~ in place of the broadcast programming data stream ~~being currently used by the subscribers~~ in response to the viewer presence message.

9. (Currently Amended) The method of claim 8, wherein displaying comprises displaying said ~~audio and/or video~~ messages ~~are displayed based upon detecting~~ in response to a trigger.

10. (Currently Amended) The method of claim [[9]] 8, wherein displaying comprises displaying said messages in response to a trigger ~~comprises~~ comprising instructions received together with the ~~audio and/or video~~ messages or from instructions embedded in the broadcast content data stream or both.

11. (Currently Amended) The method of claim 8, wherein said step of transmitting further includes:

digitally encoding and multiplexing said ~~audio and/or video~~ messages into a packetized data stream;

encoding and modulating said digitally encoded data packet into a suitable frequency band for reception; and

transmitting the data packet to said subscribers.

12. (Currently Amended) The method of claim 8, wherein displaying said messages comprises displaying ~~said audio and/or video messages are~~ advertisements or commercials provided by content providers and intended for targeted subscribers.

13. (Cancel)

14. (Currently Amended) A communication apparatus for processing ~~audio and/or video~~ messages received from a communication system ~~for viewing by a subscriber~~, comprising:

receiver circuitry for receiving a ~~audio and/or video~~ message data stream ~~that is transmitted separately from~~ and a ~~data stream containing~~ broadcast programming data stream; ~~that is received,~~

~~a processor operatively connected to a mass storage device for processing and storing said received audio and/or video messages,~~

a sensor generating a viewer presence message indicative of a [[the]] viewer presence near the communication apparatus; and

a processor operatively connected to said receiver circuitry, the sensor and a mass storage device for processing and storing said received audio ~~and/or video~~ messages, wherein said processor accesses said ~~stored audio and/or video~~ messages for display in place of broadcast programming data stream ~~that is being currently used by the subscriber~~ in response to the message.

15. (Currently Amended) The communication apparatus of claim 14, wherein said processor ~~displays~~ accesses said ~~stored audio and/or video~~ messages based upon detecting a trigger.

16. (Currently Amended) The communication apparatus of claim 15, wherein said trigger comprises instructions received together with the ~~audio and/or video~~ messages or from instructions embedded in the broadcast content or both.

17. (Currently Amended) The communication apparatus of claim 14, wherein said transmitter further includes:

an uplink facility for digitally encoding and multiplexing said ~~audio and/or video~~ messages into a packetized data stream, and for encoding and modulating said data packet into a suitable frequency band for reception; and

a satellite for receiving said data packet via an airlink from the uplink facility, and for transmitting the data packet to said at least one communication apparatus.

18. (Currently Amended) The communication apparatus of claim 14, wherein said ~~audio and/or video~~ messages are advertisements or commercials provided by content providers and intended for targeted subscribers.

19. (Currently Amended) The communication apparatus of claim 18, wherein ~~content providers are assured that an advertisement or commercial reaches the viewer as the content provider knows when~~ the advertisement or commercial will be displayed on a display device operatively connected to the communication apparatus, and the amount or length of time the advertisement or commercial is to be provided.

20. (Previously Presented) The communication apparatus of claim 1, wherein the sensor comprises an IR sensor.

21. (Previously Presented) The communication apparatus of claim 1, wherein the sensor comprises an IR receiver.

22. (Previously Presented) The communication apparatus of claim 1, wherein the sensor comprises an IR receiver receiving a command stream from a remote control.

23. (Previously Presented) The communication apparatus of claim 1, wherein the sensor comprises a movement sensor.

24. (Previously Presented) The communication apparatus of claim 1, wherein the sensor comprises artificial intelligence software that detects movement.

25. (Previously Presented) The communication apparatus of claim 1, wherein the sensor comprises an RF detection circuitry.

26. (Previously Presented) The communication apparatus of claim 1, wherein the sensor comprises imaging hardware and software generating user presence data.

27. (Previously Presented) The method of claim 8, wherein generating a viewer presence message comprises generating the viewer presence message from an IR sensor.

28. (Previously Presented) The method of claim 8, wherein generating a viewer presence message comprises generating the viewer presence message from an IR receiver.

29. (Previously Presented) The method of claim 8, wherein generating a viewer presence message comprises generating the viewer presence message from a remote control.

30. (Previously Presented) The method of claim 8, wherein generating a viewer presence message comprises generating the viewer presence message from a movement sensor.

31. (Previously Presented) The method of claim 8, wherein generating a viewer presence message comprises generating the viewer presence message from artificial intelligence software that detects movement.

32. (Previously Presented) The method of claim 8, wherein generating a viewer presence message comprises generating the viewer presence message from an RF detection circuitry.

33. (Previously Presented) The method of claim 8, wherein generating a viewer presence message comprises generating the viewer presence message from imaging hardware and software generating user presence data.

34. (Previously Presented) The communication apparatus of claim 14 wherein the sensor comprises an IR sensor.

35. (Previously Presented) The communication apparatus of claim 14 wherein the sensor comprises an IR receiver.

36. (Previously Presented) The communication apparatus of claim 14 wherein the sensor comprises an IR receiver receiving a command stream from a remote control.

37. (Previously Presented) The communication apparatus of claim 14 wherein the sensor comprises a movement sensor.

38. (Previously Presented) The communication apparatus of claim 14 wherein the sensor comprises artificial intelligence software that detects movement.

39. (Previously Presented) The communication apparatus of claim 14 wherein the sensor comprises an RF detection circuitry.

40. (Previously Presented) The communication apparatus of claim 14 wherein the sensor comprises imaging hardware and software generating user presence data.

41. (New) The communication apparatus of claim 4 wherein the messages comprise audio messages or video messages or both.

42. (New) The method of claim 8 wherein the messages comprise audio messages or video messages or both.

43. (New) The communication apparatus of claim 14 wherein the messages comprise audio messages or video messages or both.

44. (New) A method, comprising:

receiving a broadcast programming data stream and a message data stream having messages therein;

generating a viewer presence message indicative of a viewer presence near the communication apparatus; and

displaying said messages in place of the broadcast programming program stream in response to the viewer presence message.

45. (New) The method of claim 44, wherein displaying comprises displaying said messages in response to a trigger.

46. (New) The method of claim 44, wherein displaying comprises displaying said messages in response to a trigger comprising instructions received together with the messages or from instructions embedded in the broadcast content data stream or both.

47. (New) The method of claim 44, wherein displaying said messages comprises displaying advertisements or commercials provided by content providers and intended for targeted subscribers.

48. (New) The method of claim 44 wherein said messages comprise audio messages or video messages or both.